

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: EVERCOM SYSTEMS, INC.	DOCKET NO. TF-02-57
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ORDER APPROVING TARIFF REVISION

(Issued April 26, 2002)

On March 8, 2002, the Utilities Board (Board) issued an order granting a motion filed by the Consumer Advocate Division of the Department of Justice (Consumer Advocate) to hold in abeyance consideration of, and action on, a proposed tariff revision filed by Evercom Systems, Inc. (Evercom), an alternative operator service (AOS) company, on February 7, 2002. In the March 8, 2002, order, the Board required Evercom to respond to the specific issues raised in Consumer Advocate's motion within 30 days of the issuance of the order.

On March 19, 2002, Evercom filed an answer to Consumer Advocate's motion, specifically addressing the questions raised.

On March 29, 2002, Consumer Advocate filed a response to Evercom's answer wherein Consumer Advocate stated that it will not request that Evercom's proposed rates be docketed for investigation and that it is satisfied with Evercom's supplemental responses regarding the required designation of proposed rate increases under 199 IAC 22.2(4)"c" and with statutory notice requirements. Consumer Advocate, however, requested the Board consider initiating an investigation into the reasonableness of the rates of AOS companies.

Board rule 199 IAC 22.12(1)"b" provides that the Board will approve, without specific cost studies, "[t]ariff filings of AOS utilities that propose rates at or below the corresponding rates for similar services of utilities whose rates have been approved by the board in a rate case or set in a market determined by the board to be competitive." The tariff filing and supplemental responses submitted by Evercom demonstrate that the rates for the proposed products are at or below the corresponding rates for similar services by AT&T Communications of the Midwest, Inc, (AT&T). AT&T's rates are set in a competitive market. Therefore, absent further objection, the Board will approve Evercom's tariff revision.

The Board takes note of Consumer Advocate's request for an investigation into the reasonableness of AOS companies' rates, but will not open such an investigation under this docket.

IT IS THEREFORE ORDERED:

The tariff revision filed by Evercom Systems, Inc., on February 7, 2002, is approved and will become effective upon the issuance of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26th day of April, 2002.